

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

APR 20 2015

Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

Silvia ARNETT; MX. YOB:1972

Case No.

M-15-0601-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 18, 2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 U.S.C. §§1324(a)(1)(A)(iii), 1324(a)
(1)(A)(v)(II)

Offense Description

Knowing and in reckless disregard of the fact that Dania Ester Lopez-Perez, a citizen and national of Honduras, Jose Luis Morales-Moreno, a citizen and national of Mexico and Juan Carlos Santos-Saloh, a citizen and national of Guatemala, who had come to, entered and remained in the United States in violation of law did knowingly conceal, harbor, or shield from detection, or attempt to conceal, harbor, or shield, from detection, said aliens, in any place, including any building or means of transportation; to wit in a hotel in Pharr, Texas.

This criminal complaint is based on these facts:

(SEE ATTACHMENT "A")

✓ Continued on the attached sheet.

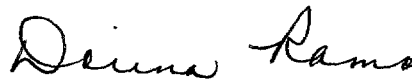


Complainant's signature

Ralph Garza, Jr., HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Approved by: Leo J. Leo, III AUSADate: 4/20/2015City and state: McAllen, Texas

Judge's signature

Dorina Ramos, U.S. Magistrate Judge

Printed name and title

Attachment "A"

On April 15, 2015, an individual called the HSI Tip Line to report that Dania Esther Lopez-Perez, an undocumented alien from Honduras, was being held against her will for approximately ten (10) months. The Tip line reported that Lopez- Perez was being held against her will by a Silvia ARNETT and provided her address in McAllen, Texas.

On April 17, 2015, HSI McAllen Special Agents, McAllen PD, and Border Patrol conducted a consent search of Silvia ARNETT's house in McAllen, Texas and did not encounter Dania Ester LOPEZ-Perez. Brian Edward ARNETT, Silvia's husband was the only one present at the residence and gave consent to search his residence. Agents asked Mr. ARNETT if he had any Undocumented aliens living at his residence and he said no.

On April 18, 2015, HSI McAllen Special Agents received information that ARNETT was holding Lopez-Perez at a Motel 6 in Pharr, Texas. HSI Special Agents and Pharr PD conducted a consent search at Motel 6 and encountered Dania Lopez-Perez, Silvia ARNETT, Cristian Gibrann REYNA-Rodriguez (an undocumented alien from Mexico), and his brother, Juan Manuel Reyna (U.S. Citizen).

All four subjects were taken to the McAllen HSI office to be interviewed. Dania Lopez-Perez was interviewed and stated that she has been living and working for Silvia ARNETT since June 2014 when she came into the United States. Lopez-Perez said she first saw ARNETT at a hotel in Pharr, Texas where she was taken after being smuggled into the United States. ARNETT took them food and about the fourth or fifth day, ARNETT asked her if she wanted to work for her in her house. Lopez-Perez agreed and left with ARNETT. Lopez-Perez said that she worked doing everyday house hold cleaning and would rarely get paid. After a few months pasted, Lopez-Perez asked ARNETT how much it would cost her to get to New York to live and work with her friends. ARNETT told her it would cost about \$4,500.00 because it would be considered a special trip since they would have to smuggle her through the border patrol checkpoint since she was not able to walk around the check point through the brush. Lopez-Perez said ^{she} has bad knees, was not in good shape and did not have the money since she hardly got paid.

Lopez- Perez said that there were 12 Undocumented Aliens (UDA) being held in three rooms at the Pharr Plaza Hotel. HSI McAllen Special Agents, Pharr PD and Border Patrol went to the Pharr Plaza Hotel and the hotel clerk provided the rooms numbers where the UDAs were being held. A consent search of three (3) hotel rooms resulted in the discovery of the 12 undocumented aliens. All 12 undocumented aliens were transported to the Weslaco Border Patrol Office to be interviewed.

Cristian Gibrann REYNA-Rodriguez was read his Miranda Rights in the Spanish language and waived his Rights to answer questions. REYNA-Rodriguez said that he and Silvia ARNETT were friends and he arrived at Motel 6 early in the morning with his brother- Juan (REYNA) to talk to Silvia about the food menus. REYNA-Rodriguez said that he works as a cook at Palenque Grill and he and Silvia make plates of food and sell them on a daily basis. REYNA-Rodriguez said that he was illegal in the United States and has been apprehended by Border Patrol about 4 times. REYNA-Rodriguez said that he has been asked in the past to transport UDAs in the past but said he didn't but got another person to transport them.

Juan Manuel REYNA, Jr. was read his Miranda Rights in the English language and waived his Rights to answer questions. REYNA said that his brother-Cristian called him about 15 times early in the morning and he finally answered him. Cristian told him on the phone that the police was looking for Silvia and he needed him (Juan) to go pick him up. REYNA said that when he arrived at Motel 6 and meet with them, Cristian told him that he and Nana (Dania Esther Lopez-Perez) needed to leave out the back door because the police ^{were} ~~was~~ outside looking for Silvia. Nana is Dania Esther Lopez-Perez nickname. REYNA told Silvia that if she didn't have anything to hide why was she hiding at the hotel and that she should go back to her house. REYNA also said that the night before he was at the Motel 6 for a few hours with his brother-Cristian, Silvia and Dania. REYNA said he did not know what was going on and did not think much about it because they were always together, meaning Cristian and Silvia. REYNA left after a few hours to pick up his girlfriend.

Silvia ARNETT was read her Miranda Rights in the Spanish language and waived her Rights to answer questions. ARNETT said that she and Cristian were just friends and often got together socially and to discuss food menus. ARNETT said that Nana- Dania Esther Lopez-Perez worked for her at her residence and knew that she was illegal in the United States. When asked why she was at the Motel 6, she said that sometimes she likes to just get away and get together with friends.

From the 12 undocumented aliens discovered at the Pharr Plaza Hotel in the three rooms HSI Special Agents were able to secure two material witnesses.

Juan Carlos Santos-Salaj, a national from Guatemala identified Silvia ARNETT as the female that transported him to the hotel. ARNETT exited the vehicle and opened the door of the hotel room for him and said that she would bring food but never came back.

Jose Luis Morales-Moreno, a national from Mexico identified Silvia ARNETT as female that brought them food yesterday when he arrived at the hotel. ARNETT was standing outside the room of the hotel and opened the door for him. ARNETT told him that she would be back and later came back with food.

HSI McAllen Special Agents contacted a McAllen Assistant United States Attorney (AUSA) regarding the case. The AUSA authorized the federal prosecution of Silvia ARNETT for violation of 8USC1324, Transporting/ and/or Harboring Undocumented Aliens within the United States. Cristian Gibrann REYNA-Rodriguez will be prosecuted for violation of 8USC1325, Entry into the United States without Inspection. Two (2) of the Undocumented Aliens are being held as material witnesses and the ten (10) remaining Undocumented Aliens were processed for removal from the United States by U.S. Customs and Border Protection, Office of Border Patrol.